

KR 88-0315

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE" and the CITY OF FLAGSTAFF, hereinafter called "CITY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the CITY is empowered by A.R.S. Section 48-572, and Article I, Section 3, of the Flagstaff City Charter to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said City.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall consist of the installation of new traffic signals at the following location:

US 89 Railhead Avenue - MP 419.9
City of Flagstaff
Project #F-037-1-926

NO. <u>12749</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>2-22-88</u>
<i>Karen Osborne</i>
Acting Secretary of State

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on US 89 & Railhead Avenue.
2. The CITY, upon completion of the work, shall reimburse the STATE for 100% of the final construction and engineering costs at US 89 & Railhead Avenue.
3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place and functional.
4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.
5. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.
6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. 12-1518.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

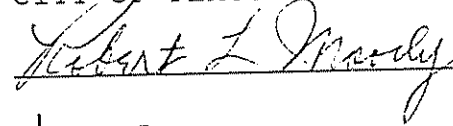

State Engineer

DATE:

12 Feb 1988

CITY OF FLAGSTAFF

BY:



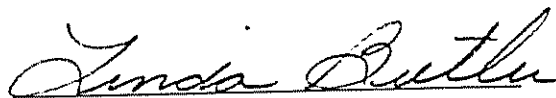
TITLE:

Mayor

DATE:

February 8, 1988

ATTEST:


City Clerk

Date: February 8, 1988

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR88-0315, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 17 day of February, 1988.

ROBERT K. CORBIN
Attorney General

Jpr [Signature]
Assistant Attorney General
Transportation Division

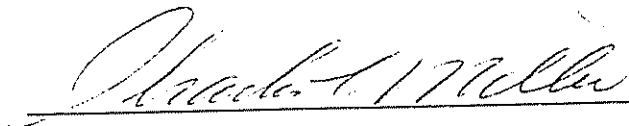
PROJECT #F-037-1-926

US 89 at Railhead Avenue - MP 419.9

CITY OF FLAGSTAFF

RESOLUTION

BE IT RESOLVED, on this 18th day of January, 1988, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division enter into a Construction Intergovernmental Agreement with the CITY OF FLAGSTAFF for the installation of traffic signals determined to be required, and a Letter Addendum to the Maintenance Intergovernmental Agreement for the operation and maintenance of traffic signals and/or highway lighting. The CITY OF FLAGSTAFF shall reimburse the STATE for 100% of the final construction and engineering costs. THEREFORE, authorization is hereby given to draft said Agreement and Addendum which, upon completion, shall be submitted for approval and execution by the State Engineer.

A handwritten signature in cursive script, reading "Charles L. Miller", is written over a horizontal line.

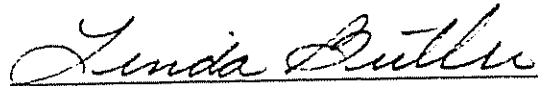
CHARLES L. MILLER, Director
ARIZONA DEPARTMENT OF TRANSPORTATION

EXHIBIT A

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true and correct copy of Resolution No. 1530, adopted by the Flagstaff City Council at their Meeting held February 2, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 11th day of February, 1988.


CITY CLERK

(SEAL)

EXHIBIT A

RESOLUTION NO. 1530

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF RAILHEAD AVENUE AND U.S. 89.

WHEREAS, the City of Flagstaff recognizes the importance of an adequate infrastructure system, including surface transportation; and

WHEREAS, the City of Flagstaff recognizes and appreciates the assistance provided by the Arizona Department of Transportation toward that end, specifically in the construction of an intersection at Railhead Avenue and U.S. 89;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:


SECTION 1: The Council of the City of Flagstaff, pursuant to Article 1, Section 3, of the Flagstaff City Charter, does hereby approve the Intergovernmental Agreement with the Arizona Department of Transportation regarding signal construction at the intersection at Railhead Avenue and U.S. 89. Mayor Robert L. Moody is authorized to execute this agreement on behalf of the City of Flagstaff.

SECTION 2: The Council of the City of Flagstaff, pursuant to Article 1, Section 3, of the Flagstaff City Charter, does hereby approve the Letter Addendum to the Maintenance Intergovernmental Agreement with the State of Arizona, Arizona Department of Transportation, regarding maintenance of the traffic signal to be constructed at the intersection of Railhead Avenue and U.S. 89. Mayor Robert L. Moody is authorized to execute the Letter Addendum on behalf of the City of Flagstaff.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 2nd day of February, 1988.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:

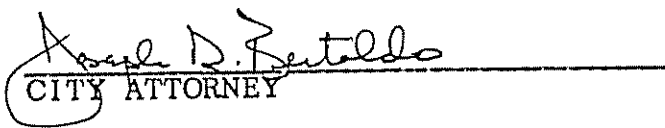

CITY ATTORNEY

EXHIBIT "B"

APPROVAL OF THE CITY ATTORNEY

Re: IGA for Construction of Traffic Signal at the Intersection of
Railhead Avenue and U.S. 89 and Addendum to Maintenance IGA
#79-479

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement and Letter Addendum to the Maintenance Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF FLAGSTAFF and declare the Agreement and Addendum to be in proper form and within the powers and authority granted under the laws of the STATE OF ARIZONA.

DATED this 3rd day of February, 1988.

JOSEPH R. BERTOLDO
CITY ATTORNEY
CITY OF FLAGSTAFF

By:

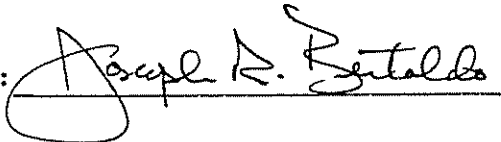
A handwritten signature in cursive script, appearing to read "Joseph R. Bertoldo", written over a horizontal line.

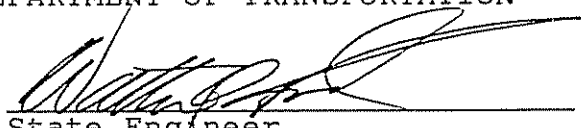
EXHIBIT "C"
LETTER ADDENDUM

In accordance with paragraph 6 of the Agreement AG #79-479, Secretary of State #5438 dated July 12, 1979, for the operation and maintenance of traffic signals and/or highway lighting between the STATE OF ARIZONA and the CITY OF FLAGSTAFF, it is agreed by both parties that the following intersection be added to the existing list of intersections to be operated and maintained as set forth in said Agreement:

US 89 & Railhead Avenue - MP 419.9

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:


State Engineer

DATE:

12 Feb 1988

CITY OF FLAGSTAFF

BY:



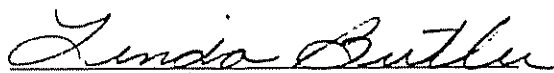
TITLE:

Vice Mayor

DATE:

February 11, 1988

ATTEST:


City Clerk